CGRF formed under the provision of IE Act 2003, sub clause 42(5) as well Notification No.2/2011 of GERC (CGRF & Ombudsman)

BEFORE THE CONSUMER GRIEVANCES REDRESSAL FORUM
MADHYA GUJARAT VIJ CO LIMITED
CORPORATE OFFICE, 5TH FLOOR SP VIDYUT BHAVAN,
RACECOURSE, VADODARA 390 007

Subject	Consumer Grievances Complaint No. MG-IV-24-2020-21
Complainant	M/s. AAACORP EXIM INDIA PVT LIMITED, Plot No.B/455 GIDC, Por, Dist: Vadodara
Respondent	Shri D V Patel, Executive Engineer, Jambuva division of MGVCL
Date of hearing	11.06.2021 at Corporate Office, MGVCL

QUORUM	NAME
Chairperson	Smt Mala Y Shah, Ahmedabad
Technical Member	Shri K B Dhebar, (RA&C) MGVCL Vadodara

The email complaint dated 23.03.2021 (received on 25.03.21) regarding supplementary bill amounting to Rs.839288.22 for the month of March 2020.

1.0 On 11.06.2021, the case of the Complainant Grievance was heard before Consumer Grievance Redressal Forum wherein Shri Darshan J Vohra appeared on behalf of complainant M/s. AAACORP EXIM India Pvt Limited, whereas Shri D V Patel, Executive Engineer, Jambuva division appeared as respondent on behalf of MGVCL before the Forum. Both the parties were heard.

2.0 The brief history of the case is as under:

2.1 The HT connection was released on dated 11.04.2015 in the name of M/s. Aishwarya Plast Export P Ltd., and consequently, from 8.11.2019 the name of the company changed to M/s. AAACORP EXIM India Pvt Limited.

2.2 The complainant M/s. AAACORP EXIM India Pvt Limited, is having Contract Demand of 650 KVA.

2.3 Due to meter hanging, the supplementary bill was issued amounting to Rs.8,39,288.22 for the period from 22.01.2018 to 17.11.2019 & from 01.03.2020 to 14.03.2020 considering MRI data.

3.0 The representative of the complainant contended that -

3.1 The meter and it's accurate functioning is the responsibility of the MGVCL. The customer AAACORP cannot be held liable for faulty machinery (in this

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case the meter) belonging to MGVCL or for any errors made by MGVCL. The claim made by MGVCL in 2020 that the meter was not functioning properly for the last two years (22/01/2018 to 17/11/2019) or the meter being faulty between 1st March 2020 to 14th March 2020 cannot amount to AAACORP being liable. Moreover we have our own method of correlation of consumption of units vis-à-vis production, and this exercise is routinely carried out every month. There is not an iota of under billing which is purely a figment of presumption.

3.2 Regarding the period of March 2020, wherein MGVCL alleged complete stoppage of the meter, we would like to clarify that the production in the factory is not linear i.e. there are various factors that determine what electric power the factory would require for that month. In our case, production hit a steady decline in the month of February 2020. We were in the middle of exhausting our inventory during this period due to the MoEFCC embargo with regard to our raw material.

3.3 We are submitting here production data of Unit 455/B from Nov'2019 to Feb'2020 and also March 2020. In fact, our production was completely stopped by March 8th, since our raw material was completely exhausted. This annexure will substantiate our rebuttal. Attached also is the MoEFCC notification for the same. The only consumption of energy was for factoy lighting.

3.4 It is further alleged that the meter was hanging from 1st March 2020 to 14th March 2020. The calculation of 14 days and 336 Hours has been made assuming the plant was operating at the same production level as the previous 96 days. As previously stated along with proof, this is not the case. If our plant's production was at the same level as the previous 96 days, we would make a considerate view on an estimated figure sent by you. However, in the event of decline, and later absence of production, your presumption is devoid of merits, we humbly submit.

3.5 Further, please note that on 2nd March 2020 we noticed that the meter is not working, and immediately sent a letter to Jambuva office. However, our meter was not replaced until 24/4/2020, nor was an attempt made to

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resolve this issue. Most respectfully we highlight the callous approach of your esteemed field officers.

3.6 We have maintained our reputation with your valued department by paying bills in a timely manner for the last 20 years. You may please check our records at MGVCL. However, our industry is fully non-operational since the beginning of March 2020, and even today our machinery is non-operational in light of the MoEF CC embargo, as the government's policy on our raw material is under review.

Production Summary (Plot No.455/b)	
Month	Total Production in Kgs
Nov'2019	375005
Dec'2019	411575
Jan'2020	446850
Feb'2020	337475
March'2020	58425

3.7 We have stated in our response with facts by giving production data since Nov'2019 till March 2020 in our given reply on 23rd Nov 2020 our plant operation has stopped in early days of March 2020, and as per your Lab report our meter showing completely hanged between 1st March 2020 to 14th March 2020, and thus your office has worked out based on last three months average consumption, and this calculation is based on assumption only.

3.8 However, we would like to produce the further facts and figures in order to explain your good office that the March 2020 our operation has worked with bear minimum capacity, therefore, we are attaching the production data, labor average strength, our GST returns from Nov 2019 to March 2020 as an authenticated documentary evidence, this all will reflects in March 2020 our plant and machinery were used minimum, and our plea for the withdrawal of supplementary bill is genuine and realistic, however we have already paid Rs 4,56,410=61 as a regular bill for the month of March 2020.

3.9 We have already charged & paid the delayed payment charges for above mention amount in last two months kindly you request to your sub-division

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office Jambuva to freeze the amount and do not charge delayed payment charges for further month.

3.10 They also verbally contended that specifically the suppl bill for the period from 01.03.20 to 14.03.20 may be withdrawn as during that period we were using only factory lighting.

3.11 Therefore, we request your good office to consider all the facts and you will consider our humble request to withdraw the supplementary bill amounting to Rs.8,39,288.22/- as well as disconnection notice and oblige.

4.0 The respondent contended that -

4.1 It is noticed that HT meter installed at said premises found hanged during (not working) the period from 22.01.2018 to 17.11.2019 & from 01.03.2020 to 14.03.2020 considering MRI data.

4.2 Accordingly, suppl bill was issued considering the period of occurrence and restoration as shown below proportionate units calculated and it comes out to be 1,16,584 units amounting to Rs.8,39,288.22.

	Occurrence		Restoration					
Sr No.	Date	Time	Date	Time	Days	Diff Time (Hr)	SS shutdown (as per s/dn data)	Final meter hang time
1	22.01.18	7.34	22.01.18	12.51	00	5.17	7.30 to 13.40(LC)	0
2	20.05.18	7.46	20.05.18	15.37	00	7.51	15.10 to 15.35(LC)	7.51
3	10.06.18	7.53	10.06.18	14.41	00	06.48	-	6.48
4	20.01.19	8.53	20.01.19	19.54	00	11.01	-	11.01
5	04.05.19	4.27	04.05.19	9.19	00	4.52	-	1.52
6	20.05.19	10.27	20.05.19	13.37	00	3.10	10.40 to 11.00 (LC)	2.30
7	28.06.19	5.27	28.06.19	12.31	00	7.04	-	7.04
8	17.09.19	11.01	17.09.19	16.26	00	5.25	-	5.25
9	03.11.19	17.57	03.11.19	22.36	00	4.39	18.15 to 22.50 (LC)	0
10	17,11.19	8.21	17,11.19	18.14	00	9.53	7.10 to 7.45 (LC)	9.53
11	01.03.20	14.21	15.03.20	11.41	14	20.40	-	14 days 22.40 hrs

4.3 Aggrieved by suppl bill specifically for the period from 01.03.2020 to 14.03.2020 i.e. 14 days and 22.40 hours, consumer approached CGRF to get natural justice.

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5.0 The Forum Members present at the hearing considered contention of both the parties and perused the records and considering them in detail, findings are as under:

5.1 During hearing, complainant requested to allow him for submission of GST data, labour data etc. and accordingly, permission was given to submit required Challans etc within month's time.

5.2 Subsequently, complainant has submitted required additional data like GSTR payment details, production summary through EE (O&M) Jambuva division vide their letter No.JMB/Rev/Legal/21/4254 dated 22.07.2021 but they submitted a statement of information regarding labour payment, GSTR extra, but no evidence has been given i.e. Attendants sheet and GST paid challan etc. Therefore we are not considering the statement given by the complainant without any supporting documents.

Labour contractor bill / tax invoice in Rs.			Total (Rs.)
January 2020	1165714	1180444	2346158
February 2020	1037765	695617	1733382
March 2020	134340	-	134340

Central Tax Plus State Tax			Total (Rs.)
Dec 19	559721	559721	1119442
Jan 20	802886	802886	1605772
Feb 20	358564	358564	717128
Mar 20	52590	52590	105180

Production Summary Jan 2020 to March 2020 (Plot No.455/B)

Month	Scrap to granule	Ag to granule	HM (Ag)/ 07 Ag	NP WWL	TG to granule	T05F (AGGLO)	Agglo sticker	Total
Jan 20	284925	31525	0	90975	19875	2275	17275	446850
Feb 20	223850	26450	0	46075	15475	3375	22250	337475
Mar 20	5975	24325	15900	3075	7200	150	1800	58425

5.3 From all above submission, Forum members have not considered any relief.

ORDER

6.0 The Forum members has decided that no relief has been granted and whatever the bill issued is in order in respect of complainant M/s. AAACORP EXIM INDIA PVT LIMITED, Plot No.B/455 GIDC, Por, Dist: Vadodara.

(K B Dhebar)
Technical Member

(Smt Mala Y Shah)
Chairperson

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PS :

If the complainant is not satisfied with the order of this Forum, the complainant may approach Ombudsman only after payment of minimum 33% of the bill amount issued to the party in question. ***The Office address of the Ombudsman is*** *: The Staff Officer, Office of the Electricity Ombudsman, Gujarat Electricity Regulatory Commission, Barrack No.3, Polytechnic Compound, Ambawadi, Ahmedabad 380 015 in accordance with Clause No.3.19 (viii) of GERC Notification No.2 of 2019.*

Procedure to make representations before Ombudsman***

1. Representation should be in writing duly signed by the complainant with his name and address.
2. Representation should be supported with affidavit.
3. True copy of order of Forum and original complaint made before Forum should be attached. Enclosed documents should be certified copies of the original documents.
4. The representation before Ombudsman should be submitted within 30 days from the date of order of Forum.
5. Copy of representation should be submitted at the office of Ombudsman. Copy of representation should be submitted to all respondents.
6. If the complainant is required to pay any amount according to the order of Forum, one-third of such amount should be deposited by complainant and proofs should be attached along with the representation.
7. The matter should not be pending before the competent Forum or any other court, tribunal, arbitrator or any other authority.
8. All representations should be with a sufficient cause, reasonable diligence causing the consumer prima facie loss and damages / inconvenience.
9. Representation may be submitted in English or Gujarati language

*** http://www.gercin.org/docs/Cosumer%20Grievances/Procedure/Procedure.pdf

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